REMARKS

Claims 1 to 61 were pending in the application at the time of examination. Claims 1 to 61 stand rejected as obvious.

To avoid further discussion on whether the preamble should be considered in the examination, Applicant has amended Claims 1, 8, 16, 30, 37, 45, and 59 to 61 to explicitly recite the remote access capability. Since these amendments make explicit what was implicit in these Claims, the amendments should not affect the patentability of the claims.

Claims 1, 8, 37, 59 and 60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,959,307, hereinafter referred to as Apte, in view of U.S. Patent Application Pub. No. 2003/0055883, hereinafter referred to as Wiles and further in view of Fomenko.

In the rejection of Claims 1, 8, 37, 59 and 60, the rejection initially quoted Claim 1 and then stated:

> Apte teaches of providing a deployment descriptor and packaging the deployment descriptor with an application in a platform specific model (column 7, lines 4-11, 23-27). It fails to teach of using version control system server software and deploying the web module onto a web server platform using the deployment tool of the software development environment. Wiles teaches of a plug-in, which is provided by the software provider and is used to execute various tasks on the server platform (paragraphs 225-226 and 229).

Applicant respectfully submits that a prima facie obviousness rejection has not been made and that explicit claim limitations have not been considered. The MPEP puts forth multiple criteria that an obviousness rejection must satisfy. Failure to meet any one of the criteria means that a prima facie obviousness rejection has not been made.

The rejection has reduced Applicants' claim language to a gist--a deployment description taken from Apte, a server plug-

in taken from Wiles and a version control system server. The MPEP specifically states that this type of analysis is inappropriate:

II.   < DISTILLING THE INVENTION DOWN TO A "GIST" OR "THRUST" OF AN INVENTION DISREGARDS "AS A WHOLE" REQUIREMENT

Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USP

MPEP § 2141.02, 8th Ed., Rev. 3, p. 2100-130 (August 2005).

In particular, general knowledge of a plug-in as taught by Wiles fails to teach or suggest anything concerning:

deploying the Web module onto a Web server platform using the deployment tool of the software development environment, . . . , the deployment tool including a server plug-in provided by a provider of the hosting server software, the server plug-in automatically installing a Web module on a corresponding server platform when the Web module complies with the component-based platform-independent specification

These claims do not recite just a plug-in, but rather "a deployment tool of the software development environment." The rejection reduces this recitation to just a part of the deployment tool "a plugin" and not even the specific plugin recited. The rejection has cited no teaching in either Apte or Wiles that described such a deployment tool and has cited no teaching in Wiles that the plug-ins install anything.

In fact, the cited sections along with paragraph [0230] of Wiles taught:

[0225] An Internet service management system may collect actual user transaction times as well as system information from the end user. In addition, the Internet

service management ("ISM") system may collect web server latency and processing time data. The Internet service management system may include a plurality of components which are discussed below.

[0226] Referring to FIG. 10, a diagram illustrating the collection of data by an Internet service management system for processing by the site monitor is shown. This figure depicts a web server 208 that interacts with a JARTA agent 202 and an STM agent 204. <u>WebServer 208 resides on server hardware and includes plug-ins for internal WebServer monitoring and proxying (such as Patrol SafePassage), Internet server management, and gathering of XML data to forward to the site monitor.</u> These plug-ins are indicated by reference numerals 210, 212 and 214 in FIG. 10.

. . . .

[0228] Patrol SafePassage (PSP)

[0229] Various incoming data reports arrive at the E-business Management web server. The PSP plug-in intercepts and inspects selected requests, routing appropriate SM collector data to a new SM collector "filter module" that is running within the web server and PSP plug-in. This PSP plug-in will be the standard PATROL SafePassage code base. For its default use in site monitor collector role, PSP will be installed with the e-business management server collection of components. It will be pre-configured to handle both site monitor collector requests and normal PSP brokering functions.

[0230] The PATROL SafePassage (PSP) plug-in technology has been leveraged to construct site monitor collector. PSP normally intercepts web requests, then re-routes those requests to one or more "back-end servers", which are typically HTTP servers. <u>PSP is built upon the patent-pending "WebIntegrator" foundation technology. WebIntegrator provides a general-purpose web server plug-in framework for intercepting and processing requests for any purpose. site monitor collector builds upon that WebIntegrator framework by utilizing its "filter module" facility.</u> (Emphasis Added.)

Thus, the cited section teaches nothing concerning a deployment tool having a plugin. This description of Wiles concerning plugins must be modified to change the plugins from ones that are used for "<u>internal WebServer monitoring and proxying, Internet server management, and gathering of XML data to forward to the site monitor,</u>" to a plugin for

"automatically installing a Web module on a corresponding server platform when the Web module complies with the component-based platform-independent specification."

The rejection failed to cite any suggestion of such a modification in either reference and the rejection failed to even recognize that such a modification is needed. The motivation given for the combination of Apte and Wiles was:

> . . . to use the deployment descriptor in Apte, with the plug-in in Wiles because the capability to monitor and optimize a client is provided by keeping manual configurations minimal

First, the manual configuration referred to in Wiles is not with respect to monitoring and optimizing a client as asserted in the rejection, but rather to a site monitor system. This is further evidence of extracting information out of context, i.e., considering only a gist. Second, even if the rationale were correct, combining the deployment descriptor of Apte with a plugin in Wiles fails to even indicate how the modification would be made to Wiles or Apte, and how a plugin for performing the functions quoted above from Wiles would work with a deployment descriptor as recited in Claim 1.

The MPEP directs:

V. < THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

MPEP § 2143.01, 8th Ed., Rev. 3, p. 2100-132 (August 2005)

Changing the plugins of Wiles to be in a deployment tool that uses the deployment descriptor of Apte would render Wiles unsatisfactory for is intended purpose because the plugins

would not provide "<u>internal WebServer monitoring and proxying,</u> <u>Internet server management, and gathering of XML data to</u> <u>forward to the site monitor.</u>"

If the rejection is purposing to modify Apte, the evidence is even stronger. As previously noted, Apte teaches an adapter on the client side and modifying the client side adapter to be a server plugin completely changes the principles of operation of Apte.

Thus, not only has the claim language been reduced a gist but also the motivation for the combination is unrelated to either the references or the Claim. The MPEP directs that a prima facie obviousness rejection has not been made. Accordingly, this alone is sufficient to overcome the obviousness rejection.

However, the rejection continues to violate the requirements of the MPEP. Next, the rejection stated:

> . . . Fomenko teaches of Forte TeamWare, which provides version control system server functionality . . .to use the version control software in Fomenko with the system in Apte in view of Wiles because software developers are able to keep track of large software development projects. . .

The prior art in Fomenko provided exactly the capability that is used to combine the three references. Accordingly, if this was all that was needed, the prior art was completely adequate. Therefore, the motivation fails to provide any basis for the combination. Further, using a version control plug-in in either Apte or Wiles completely changes the principles of operation of the references and the rejection has failed to explain how such a change would be made and the prior art still work for its intended purpose. Thus, at any level, the rejection fails to comply with the requirements of the MPEP and a prima facie obviousness rejection has not been made. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 1.

Each of independent Claims 8, 37, 59 and 60 includes a limitation similar to that discussed above with respect to Claim 1. Thus, the comments with respect to Claim 1 are applicable to each of Claims 8, 37, 59 and 60 are incorporated herein by reference for each of these claims. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 8, 37, 59 and 60.

Claims 2 to 4, 6, 9, 10, 12, 14, 31 to 33, 35, 38, 39, 41 and 43 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Application Publication No. 2004/0268344, hereinafter referred to as "Obilisetty." Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 2 to 4, 6, 9, 10, 12, 14, 31 to 33, 35, 38, 39, 41 and 43 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 4, 6, 9, 10, 12, 14, 31 to 33, 35, 38, 39, 41 and 43.

Claims 5 and 34 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Application Publication No. 2003/0079052, hereinafter referred to as "Kushnirskiy." Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 5 and 34 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request

reconsideration and withdrawal of the obviousness rejection of each of Claims 5 and 34.

Claims 7, 15, 36, and 44 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of BEA. Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 7, 15, 36, and 44 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 7, 15, 36, and 44.

Claims 11, and 40 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Application Publication No. 2003/0070006, hereinafter referred to as "Nadler." Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 11 and 40 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 11 and 40.

Claims 13 and 42 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Application Publication No. 2003/0079052, hereinafter referred to as Kushnirskiy. Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding

independent claim from which each of these claims depends.
Thus, each of Claims 13 and 42 distinguish over the combination
of references for at least the same reasons as the independent
claim from which each depends. Applicants respectfully request
reconsideration and withdrawal of the obviousness rejection of
each of Claims 13 and 42.

Claims 16 to 18, 21, 25, 45 to 47, 50, 54 and 61 stand
rejected as being obvious over Apte, Wiles and Fomenko and
further in view of U.S. Patent Publication No. 2003/0079052,
hereinafter referred to as Kushnirskiy. With respect to the
combination of the three primary references, the above comments
with respect to Claim 1 are applicable and are incorporated
herein by reference. Thus, the combination of the three
primary references is not well founded. Further, the cited
section in Kushnirskiy discusses the browser plug-in
environment. Thus, Kushnirskiy must be modified from a plug-in
for a user application, e.g., a browser, to a server plugin.
No showing has been made on why one of skill would make such a
change. In addition, the cited section fails to discuss
actions taken in response to a user selection. Thus, the
combination is further evidence that at best a gist of the
claims has been considered and that the reference has not been
considered as a whole. Thus, each of Claims 16 to 18, 21, 25,
45 to 47, 50, 54 and 61 distinguish over the combination of
references for reasons in addition to at least the same reasons
discussed above with respect to Claim 1. Applicants
respectfully request reconsideration and withdrawal of the
obviousness rejection of each of Claims 16 to 18, 21, 25, 45 to
47, 50, 54 and 61.

Claims 19, 20, 22, 23, 26 to 28, 48, 49, 51, 52, and 55 to
57 stand rejected as being obvious over Apte, Wiles and Fomenko
and further in view of U.S. Patent Publication No.
2003/0079052, hereinafter referred to as Kushnirskiy and still
further in view of Obilisetty. Assuming arguendo that the

combination of references is correct, the information cited in the fifth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 19, 20, 22, 23, 26 to 28, 48, 49, 51, 52, and 55 to 57 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 19, 20, 22, 23, 26 to 28, 48, 49, 51, 52, and 55 to 57.

Claims 24 and 53 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Publication No. 2003/0079052, hereinafter referred to as Kushnirskiy and still further in view of Nadler. Assuming arguendo that the combination of references is correct, the information cited in the fifth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 24 and 53 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 24 and 53.

Claims 29 and 58 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Publication No. 2003/0079052, hereinafter referred to as Kushnirskiy and still further in view of BEA. Assuming arguendo that the combination of references is correct, the information cited in the fifth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 29 and 58 distinguish over the combination of references for at least the
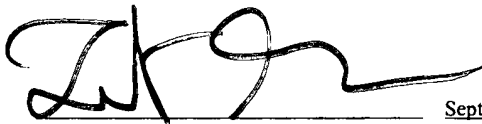
same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 29 and 58.

Claims 1 to 61 remain in the application. Claims 1, 8, 16, 30, 37, 45, and 59 to 61 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).
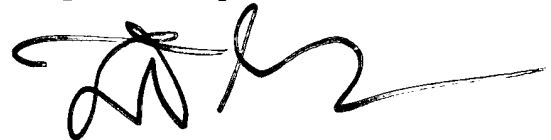
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